great international variance as to the recognition of the title of a foreign assignee as against local creditors, as to the priority *inter se* when there are concurrent and competing bankruptcies, and as to the proper test of competent jurisdiction. Under the circumstances, he believes that the only hope for uniformity in the recognition of the representative of the bankrupt lies in international convention.

HISTORY OF THE DISTINCTIONS BETWEEN TRESPASS, DETINUE, AND TROVER. — "Forms of action are dead, but their ghosts still haunt the precincts of the law" — such is the key-note of an article in the Law Quarterly Review devoted to an historical survey of the origin and development of the action of trover. *Observations on Trover and Conversion*, by John W. Salmond, 21 L. Quar. Rev. 43 (Jan. 1905). The action of trover is founded upon a conversion, which, according to our modern ideas, may occur through an unpermitted taking of chattels, by a wrongful detention of them, or by an unlawful disposition so that neither the owner nor the wrong-doer has any further control over them. Formerly, however, corresponding to these three modes of deprivation, there were three distinct forms of action: trespass, detinue, and trover, the last being of much later origin than the others. Before the remedy of trover existed, its work was done by detinue. When sued for wrongful detainer, the defendant was not allowed to plead that he had unlawfully parted with the goods. The remedy of detinue, however, was an unsatisfactory form of action because the defendant could resort to wager of law, "a form of licensed perjury which reduced to impotence all proceedings in which it was allowable." In much the same way that *indebitatus assumpsit* replaced the older action of debt, trover replaced detinue. The declaration in the two forms of action was practically the same, except that in trover a conversion was charged, while in detinue a wrongful detention was alleged. Mere detention was not a conversion in the original sense; but neglect or refusal to deliver up a chattel after demand was evidence of a conversion, which was deemed conclusive if the failure to deliver was not justified. When this step was taken trover and detinue became alternative remedies, for every detention after demand was then a fictitious conversion on which the plaintiff might bring his action in trover, and so avoid the disadvantages of detinue. This fiction is so firmly established that it would be less confusing now to drop the old technical pleader's distinction and hold that a wrongful detention is a conversion and not merely evidence of it.

In the declaration of trover, the allegation of loss and finding was regarded from the first as immaterial. Therefore when goods were taken and converted, the plaintiff had an election either to sue in trespass for the taking, or, waiving the trespass, to sue in trover for the conversion. When trover was thus brought for what was in truth a trespass, the unlawful taking was regarded as a sufficient and conclusive proof of conversion, for the taker was held to be in the same position as one who detains goods after demand. Had the law developed logically it would have maintained that an unlawful taking is merely evidence of a conversion just as an unlawful detention is.

In every case of wrongful taking, therefore, the plaintiff might elect between trespass and trover; and in case of detention, between detinue and trover. Thus it will be seen that trover, from its early restricted application, has extended its sphere of influence over the realms of both trespass and detinue, furnishing a remedy wherever a plaintiff seeks redress for a wrongful deprivation of his goods, whether by way of taking, detention, or conversion, using the last term in its original and proper sense.

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"AGENCY BY ESTOPPEL." *Walter Wheeler Cook.* 5 Columbia L. Rev. 36. See *supra.*

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ALIEN EXCLUSION. *Blackburn Esterline.* Discussing the federal legislation upon the subject and the decisions of the U. S. Supreme Court as to the constitutionality of this legislation. 38 Am. L. Rev. 836.

COMPENSATION TO RESCUERS: A QUESTION OF CONTRIBUTORY NEGLIGENCE. *Thomas W. Shelton.* Discussing facts and circumstances which should be considered in determining whether one who rescues another from death is contributorily negligent. 10 Va. L. Reg. 671.

COMPULSORY LICENSES TO WORK PATENTED INVENTIONS. *James Roberts.* Discussing recent English legislation. 6 J. Soc. Comp. Leg. N. S. 82.

CONDITION DES PERSONNES MORALES ÉTRANGÈRES D'APRÈS LA JURISPRUDENCE BELGE, LA. *Prosper Poullet.* Examination of Belgian decisions, as to the status of foreign artificial persons. 31 J. du Droit Internat. Privé 820.

CONSTRUCTION OF AUTHORITIES TO ADOPT. *P. R. G.* Discussing authority given to widow by deceased husband under Indian law, to adopt a son. 14 Madras L. J. 231.

CONSTRUCTION OF GIFTS TO A CLASS, THE. *John S. Mackay.* Discussing whether the rule of Andrews *v.* Partington is law in Scotland. 12 Scots L. T. 139.

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DEFINITION OF LAW. *Melville M. Bigelow.* Criticising and demolishing piecemeal Blackstone's definition of law, and substituting another in its place. 5 Columbia L. Rev. 1.

DEVELOPMENT OF THE JUDICIAL SYSTEM IN RHODE ISLAND, THE. *Amasa M. Eaton.* 14 Yale L. J. 148.

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LEGITIMATION BY SUBSEQUENT MARRIAGE. *Sir Dennis Fitzpatrick.* A codification of existing law, domestic and foreign, with arguments for and against the common law, written in aid of contemplated legislation in Jamaica. 6 J. Soc. Comp. Leg. N. S. 22.

LIABILITY OF A MASTER TO THIRD PERSONS FOR THE NEGLIGENCE OF A STRANGER ASSISTING HIS SERVANT. *Floyd R. Mechem.* 3 Mich. L. Rev. 198.

MAINTENANCE OF THE OPEN SHOP, THE. *Bruce Wyman.* A review of the decisions, concluding that the liability of labor unions for procuring the discharge of non-union laborers is an application of the law of conspiracy. 17 Green Bag 21.

MAKING OF THE GERMAN CIVIL CODE, THE. *A. Pearce Higgins.* Brief history of German law and explanation of how the national spirit made possible its unification in the Code of 1896. 6 J. Soc. Comp. Leg. N. S. 95.

MARRIED WOMEN'S PROPERTY LAW IN ONTARIO. I. Introduction. *George S. Holmestead.* 25 Can. L. T. 1.

MODERN "DROIT D'AUBAINE," THE. *Simeon E. Baldwin.* An article recommending that the right of levying a succession tax be restricted to one state. 14 Yale L. J. 129.

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RIGHT OF EMINENT DOMAIN, THE. *Charles Gaudet.* Showing limitations on the right of eminent domain and remedies for failure to comply with the limitations. 3 Can. L. Rev. 669.

RULE OF COMPARATIVE INJURY IN THE LAW OF INJUNCTION, THE. *Glenda Burke Slaymaker.* A discussion of the doctrine that an injunction will not be issued if the good that may result is not commensurate with the harm. 60 Cent. L. J. 23.

SALE OF PART OF A MASS, THE. *O. S. Bryant.* Discussing the possibility of title passing before separation and concluding that the buyer can become a tenant in common if the parties so intend. 60 Cent. L. J. 4.

SCIENTIFIC SCHOOL OF LEGAL THOUGHT, A. *Melville M. Bigelow.* Advocating a closer study of economic conditions and commercial usages. 17 Green Bag 1.

SCOTTISH CHURCH CASE, THE. *James Ferguson.* Discussing the recent case before the House of Lords. 16 Jurid. Rev. 347.

SHOULD THE GRANTEE OF A LODE-MINING CLAIM BE CONFINED WITHIN THE VERTICAL BOUNDARIES OF HIS CLAIM? *John A. Ewing.* Maintaining that an amendment confining a grantee within the vertical boundaries of his claim would not simplify the present confused state of mining law. 12 Am. Law. 540.

SHOULD THE SUNDAY LAWS OF OUR COUNTRY BE CHANGED TO MEET THE DEMANDS OF OUR COSMOPOLITAN POPULATION? *Irving E. Campbell.* Answering the question in the negative. 10 Va. L. Reg. 682.

SOURCES OF SCOTS LAW, THE. *William C. Smith.* 16 Jurid. Rev. 375.

SPECIAL ASSESSMENT PRACTICE. *George A. Mason.* Summarizing the law of Illinois upon special assessments, with some practical suggestions as to conducting cases. 37 Chic. Leg. News 171, 179.

SURETYSHIP FROM THE STANDPOINT OF COMPARATIVE JURISPRUDENCE. *Henry Anselm De Colyar.* A brief comparative summary of the principles of suretyship as exemplified in the Roman, English, and American Law and the modern Codes Civil. 6 J. Soc. Comp. Leg. N. S. 46.

TERM "POLICE POWER," THE. *J. M. Blayney, Jr.* 59 Cent. L. J. 486.

TIME BARGAINS IN STOCKS AND PRODUCE. *Ernest J. Schuster.* "An enquiry into the rules under which speculative bargains in stocks and produce have been treated as gaming or wagering transactions under the laws of different countries." 6 J. Soc. Comp. Leg. N. S. 121.

TO WHAT EXTENT SHOULD JUDICIAL ACTION BY COURTS OF A FOREIGN NATION BE RECOGNIZED? *Mr. Justice Kennedy.* 6 J. Soc. Comp. Leg. N. S. 106. See *supra.*

WARRANTY IN THE ENGLISH LAW OF SALE. II. *Richard Brown.* 26 Jurid. Rev. 406.

II. BOOK REVIEWS.

THE MONROE DOCTRINE. By T. B. Edgington. Boston: Little, Brown and Company. 1904. pp. vi, 344. 8vo.

Although the Monroe Doctrine has had a considerable history, and is moreover of present and vital interest, our permanent literature on the subject is distinctly meager. From the very fact that the doctrine is of current importance, so continually referred to in periodical publications, so constantly discussed, it is probable that the majority of Americans feel no need of books to tell them its history and meaning. Yet it is doubtful if the knowledge of most of us in regard thereto is so accurate that we would not be glad to find under some single cover a convenient discussion of the doctrine from its inception to its most recent developments. This Mr. Edgington has attempted to give us.

Mr. Edgington has covered the field broadly. The volume commences with an interesting discussion of the origin of the Monroe Doctrine. It is shown to have been an early political principle of the United States, rather than an out-